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# HOUSE BILL No. 1923

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-9-34; IC 15-2.1-5-8; IC 15-5; IC 36-6-5-3.

**Synopsis:** Abolition of the dog tax. Provides for a local option dog tax. Abolishes the state dog tax, dog census, and kennel license fees effective July 1, 2001. Eliminates township dog funds, county dog funds, and the dog account of the state general fund. Provides for the disposition of money remaining in a township dog fund, a county dog fund, or the dog account of the state general fund. Provides for the payment of certain fees and charges associated with a dog suspected of having rabies from the township fund instead of from the township dog fund. Beginning in 2004, annually appropriates \$100,000 from the state general fund to Purdue University for canine disease research. Makes conforming amendments.

**Effective:** July 1, 2001; July 1, 2004.

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## Saunders, Crooks

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January 17, 2001, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1923

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-9-34 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]:

4 **Chapter 34. Local Option Tax for Dogs and Kennels**

5 **Sec. 1. As used in this chapter, "humane society" includes an**  
6 **animal shelter, animal control center, or other animal impounding**  
7 **facility that has as its purpose the humane treatment of animals.**

8 **Sec. 2. The legislative body of a county may adopt an ordinance**  
9 **to impose:**

10 **(1) a tax for each dog owned, harbored, or kept by a person on**  
11 **the person's premises, whether the dog is owned by that**  
12 **person or some other person; and**

13 **(2) a fee on the owner or keeper of a kennel that keeps dogs**  
14 **for breeding, boarding, or training purposes.**

15 **Sec. 3. The legislative body of a county may designate one (1) or**  
16 **more licensed veterinarians or humane societies in the county to**  
17 **collect the dog taxes and kennel fees imposed under section 2 of this**

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chapter. A designee, upon collecting the tax for a dog or the fee for a kennel, may retain seventy-five cents (\$0.75) as a fee for that service. The designee shall remit the balance of all taxes and license fees collected to the county treasurer by the tenth day of each month.

Sec. 4. (a) If the legislative body of a county elects to impose a dog tax or a kennel fee under this chapter, all money derived by the county from the tax or fee shall constitute a fund known as the county dog fund. The county treasurer shall use the fund to pay the following:

(1) Damages, less insurance proceeds, sustained by owners of the following types of animals if an animal is killed, maimed, or damaged by dogs:

(A) Sheep.

(B) Cattle.

(C) Horses.

(D) Swine.

(E) Goats.

(F) Mules.

(G) Chickens.

(H) Geese.

(I) Turkeys.

(J) Ducks.

(K) Guineas.

(L) Tame rabbits.

(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.

(N) Bison.

(O) Farm raised cervidae.

(P) Ratitae.

(2) The expense of taking the Pasteur treatment for hydrophobia incurred by any person bitten by or exposed to a dog known to have hydrophobia, within the county.

(b) Any person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) No damages shall be assessed or paid under this chapter for death of or injury to sheep, except where individual damage exists or is shown.

Sec. 5. (a) The governing body of a county that imposes a tax or fee under this chapter may designate by ordinance one (1) humane society located in that county to receive:

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1           (1) fifty cents (\$0.50) from each dog tax payment; and  
 2           (2) one dollar (\$1) from each kennel fee;  
 3 collected under this chapter.

4           (b) A humane society designated under subsection (a) shall use  
 5 the funds disbursed to the society to maintain an animal shelter.

6           (c) If a county does not designate a humane society to receive  
 7 payments under subsection (a), those amounts remain in the county  
 8 dog fund.

9           Sec. 6. The governing body of a county that elects to impose a  
 10 tax or fee under this chapter shall establish criteria for payment of  
 11 damages and expenses under section 4(a) of this chapter.

12           SECTION 2. IC 15-2.1-5-8 IS ADDED TO THE INDIANA CODE  
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 14 1, 2004]: Sec. 8. (a) The canine disease research account is  
 15 established as an account within the state general fund. The board  
 16 of trustees of Purdue University shall administer the account. The  
 17 account does not revert to the state general fund at the end of a  
 18 state fiscal year.

19           (b) The account consists of money deposited in the account  
 20 under this section.

21           (c) There is annually appropriated to the canine disease  
 22 research account one hundred thousand dollars (\$100,000) from  
 23 the state general fund for use in canine disease research.

24           SECTION 3. IC 15-5-7-1 IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2001]: Sec. 1. If a dog kills or injures any  
 26 livestock while the livestock is in the care, custody, and control of the  
 27 livestock's owner or his agent, the owner or harbinger of the dog is liable  
 28 to the owner of the livestock for all damages sustained, including his  
 29 reasonable attorney's fees and the court costs. ~~if the appropriate dog tax~~  
 30 ~~has not been paid on the dog, triple damages may be awarded.~~

31           SECTION 4. IC 15-5-9-10 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) ~~The trustees~~  
 33 ~~shall register and pay damages for all losses in the order in which the~~  
 34 ~~losses are reported.~~

35           (b) ~~A person may not receive payment from the trustee for stock;~~  
 36 ~~fowl; or game listed in section 8(a)(1) of this chapter.~~

37           (1) ~~that are killed, maimed, or damaged by any dog or dogs owned~~  
 38 ~~or harbored by that person;~~

39           (2) ~~for which the person received from another person an amount~~  
 40 ~~equal to the actual damages; or~~

41           (3) ~~for which the owner has not complied with section 9.1 of this~~  
 42 ~~chapter.~~

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(c) When rabies shall develop in any stock, fowl, or game listed in section 8(a)(1) of this chapter, however contracted; and when the existence of such disease shall be proven by:

(1) laboratory diagnosis, made in the laboratory of the state department of health, or some other laboratory maintained by state, county, or municipal funds; or

(2) affidavit of an attending legally qualified graduate veterinarian;

the owner of such animal with rabies shall be entitled to recover in the same amount and manner as provided in sections 8 and 9.1 of this chapter.

(d) Whenever any dog not accompanied by the dog's owner or owner's agent is suspected of having rabies and found roaming at large, and the dog dies or is destroyed on said account, the trustee shall: ~~do~~ the following:

(1) remove or have removed the head of the dog; and

(2) pay: ~~from the township dog fund the following:~~

(A) a reasonable fee for the removal of the dog's head; and

(B) all charges for transporting the head to a laboratory maintained by state, county, or municipal funds; ~~If no money is available in the dog fund of the township then such necessary fees shall be paid~~

out of the township fund without appropriations having been made.

(e) On the first Monday of March of each year, the township shall transfer the following to the county treasurer:

(1) Any funds in a township dog fund designated for a humane society under section 8 of this chapter.

(2) Any amount in a township dog fund exceeding three hundred dollars (\$300) over and above orders drawn on the fund:

(f) The funds transferred to the county treasurer under subsection (e) shall be deposited in the county dog fund. On the second Monday in March of each year, the money in the county dog fund shall be distributed as follows:

(1) Among the townships of the county in which the orders drawn against the dog fund exceed the money on hand:

(2) To a humane society designated under section 8 of this chapter.

(g) If the funds in the county dog fund, after any distribution to a designated humane society, are insufficient to pay for all stock, fowl, or game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs of all the townships in the county, the distribution

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shall be made in the ratio of the orders drawn against the dog fund of the townships and unpaid and unprovided for. The ratio shall be obtained from the report of the trustees of the townships made to the auditor of the county.

(h) The report under subsection (g) shall be made by each township trustee of the county upon the first Monday of March of each year and must show the following:

(1) All receipts into the dog fund of the township;

(2) All orders drawn against the township fund in the order in which the orders were drawn.

(i) If the funds in the dog fund of any township and the share of the county dog fund distributed to such township during any year are insufficient to pay for all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs in such township during such year, any such losses registered and any orders drawn which are unpaid and unprovided for shall be paid out of the state dog account.

(j) If upon the first Monday in May of any year there is a surplus left of the county dog fund after provisions have been made for the payment of all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs of all the townships of the county and the distribution to any designated humane society, the surplus shall be:

(1) paid to the auditor of state; and

(2) placed in a separate account of the general fund of the state treasury known as the state dog account.

SECTION 5. IC 15-5-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. It is a Class E infraction for a person to own or harbor any dog more than six (6) months old that does not at all times wear a collar with the metal tag attached thereto as provided in this chapter. It is a Class E infraction for a person, except the owner or authorized agent, to remove any license tag from a dog. It is a Class C infraction for an owner to allow his dog to stray beyond his premises, unless under the reasonable control of some person or when engaged in lawful hunting accompanied by the owner or custodian.

SECTION 6. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The assessor shall perform the duties prescribed by statute, including

(1) assessment duties prescribed by IC 6-1.1. and

(2) administration of the dog tax and dog fund, as prescribed by IC 15-5-9.



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SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 15-5-9-1; IC 15-5-9-2; IC 15-5-9-3; IC 15-5-9-4; IC 15-5-9-5; IC 15-5-9-6; IC 15-5-9-8; IC 15-5-9-9.1; IC 15-5-9-11; IC 15-5-9-12; IC 15-5-9-14; IC 15-5-9-17; IC 15-5-10-3.

SECTION 8. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding the amendment of IC 15-5-9-10 by this act, a township trustee shall pay the fees and charges referred to in IC 15-5-9-10 that are:

- (1) associated with a dog suspected of having rabies; and
- (2) incurred after June 30, 2001;

from the township dog fund instead of from the township fund if money for the payment of the fees and charges is available in the township dog fund under SECTION 9 of this act.

(b) This SECTION expires January 1, 2003.

SECTION 9. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding the repeal of IC 15-5-9-8 by this act, each township dog fund shall be maintained:

- (1) at least until the auditor of state makes the distribution required by subsection (a)(2) of SECTION 11 of this act; and
- (2) if the fund contains money on June 30, 2001, or receives money distributed by the auditor of state under subsection (a)(2) of SECTION 11 of this act:

(A) until the fund is exhausted through the payment of:

- (i) claims filed under IC 15-5-9-9.1 (before its repeal); and
- (ii) fees and charges under IC 15-5-9-10 and SECTION 8 of this act that are associated with a dog suspected of having rabies; or

(B) if the fund is not previously exhausted under clause (A), until July 1, 2002.

(b) If money remains in the township dog fund on June 30, 2002, the township trustee, on July 1, 2002, shall transfer the money:

- (1) to the humane society designated by the county legislative body under IC 15-5-9-8(d) (before its repeal) to receive a portion of each dog tax payment; or
- (2) if there is no humane society to which the money can be transferred under subdivision (1), to the township general fund.

(c) This SECTION expires January 1, 2003.

SECTION 10. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding the amendment of IC 15-5-9-10 by this act, if there is any money remaining in a county dog fund on June 30, 2001, the county auditor shall, on July 1, 2001, distribute the money to the township

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1 trustees of the townships located in the county. An equal share of  
2 the money shall be distributed to each township trustee.

3 (b) A township trustee who receives a distribution under this  
4 SECTION shall deposit the distribution in the township dog fund.

5 (c) This SECTION expires January 1, 2002.

6 SECTION 11. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding  
7 the amendment of IC 15-5-9-10 by this act, if there is any money  
8 remaining in the state dog account of the state general fund on  
9 June 30, 2001, the auditor of state shall, on July 1, 2001, distribute  
10 the money as follows:

11 (1) Fifty percent (50%) to Purdue University for the School of  
12 Veterinary Science and Medicine, to be used solely for canine  
13 disease research.

14 (2) Fifty percent (50%) to the counties identified under  
15 subsection (b).

16 (b) Money to be distributed under subsection (a)(2) shall be  
17 divided among the counties that paid to the auditor of state, under  
18 IC 15-5-9-10(j) (before its repeal), the surplus money remaining in  
19 their county dog funds on May 7, 2001.

20 (c) Each county's share of the total amount distributed under  
21 this SECTION shall be proportional to the county's share of the  
22 total amount paid to the auditor of state in 2001 under  
23 IC 15-5-9-10(j) (before its repeal).

24 (d) This SECTION expires January 1, 2002.

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